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ABSTRACT

This paper outlines some of the issues related to equal opportunity for women in sports, gives examples of some situations that might have to be reassessed, and discusses some of the alternatives that are being proposed. Emphasis is placed on: the educational value of sport; attitudes toward women in sport; the legal mandate for equality for women in noncompetitive programs; what constitutes equality for women, in competitive athletics; single sex teams vs. mixed teams in competitive athletics; the funding of competitive athletic programs; separate-but-equal administrative structures in athletic and physical education departments, and governing associations; and what constitutes equality for women employees in sports. (MJM)

project on the status
and education of

women

BERNICE SANDLER
Director

MARGARET C. DUNKLE
Project Associate

FRANCELIA GLEAVES
Information Associate

KAY MECKES-JONES
Project Secretary

BARBARA ANNE SHAPIRO
Information Secretary

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WHAT CONSTITUTES EQUALITY FOR WOMEN IN SPORT?

-- FEDERAL LAW PUTS WOMEN IN THE RUNNING --

PREPARED BY THE PROJECT ON THE STATUS AND EDUCATION OF WOMEN

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HE005396

Federal Statute Is Expected to Help Women in College Sports

WASHINGTON, April 27 (UPI)—A 37-word proviso in a 1972 statute may do more in the near future to bring about women's equality in sports at the college level than a Babe Diddickson or Billie Jean King.

A report to the Association of American Colleges on the status and education of women suggested that the clause might revolutionize the sports battle of the sexes on campus.

Known as Title IX of the Education Amendments of 1972, the paragraph reads: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance."

Interpretive regulations by the Department of Health, Education and Welfare are being formulated, but the study report predicts the proviso will drastically require colleges and universities to provide more money, more opportunities and greater participation by women in the entire sports field.

The report declares that

athletics have been used to "perpetuate sex stereotypes and myths" that the disadvantage of women. It cites many instances in which colleges and universities have used sports programs to discriminate in favor of men.

Here are some of the examples given, with none of the schools identified:

4. At an Ivy League college, the women's crew was given inferior equipment because the men's coach did not believe they could handle newer, better shells. At another Eastern school, the men's coach used funds earmarked for both female and male rights to buy a shell designed for men only.

4. The women's swimming team at a former all-women Eastern college had to practice on weeknights after dinner because no other time was made available to them. On an Ohio campus a woman could not use the handball courts unless a man signed up for her.

4. Members of women's intercollegiate teams at a university had to sell candy bars and hold bake sales to pay for travel expenses. The men's teams traveled by chartered bus at school expense.

4. A large Midwestern university spent over \$2.6 million on men's intercollegiate athletic programs. Nothing was officially spent on women's competition.

All these practices, the report said, probably will be open to legal challenge under Title IX.

The study listed seven "subtle myths" that it said had been disproven. They were:

(1) Participation in sports might damage a woman's reproductive organs. "Many gynecologists believe that vigorous activity improves muscular support in the pelvic area," it commented.

(2) Athletic activity causes menstrual problems and impedes menstrual regularity. "In fact the reverse appears to be true," the report said.

(3) Women can't reach peak performance during menstruation. "Women Olympic athletes have won competitions and broken records during all stages of their menstrual cycles."

(4) Female bones are more fragile than those of a male. "They are on the average smaller, not more fragile."

(5) Women are more likely to be injured in sports. "The injury rate per participant is lower for girls than boys in both contact and noncontact sports."

(6) There is a danger of breast damage to women in athletics. "Medical and athletic authorities argue that breast protectors could be designed for women, just as various protective equipment has been designed for men's organs."

(7) Women in strenuous sports develop bulky muscles and masculine physiques. "Given the same amount of

exercise, the development of bulging muscles depends primarily on the amount of male hormone a person has." The report concluded: "There is no simple answer to the question: What constitutes equality for women in sports? The issues are complex and many of the problems are not easily resolved. There is a strong mandate from Federal law, administrators, physical educators, women athletes and women's groups, however, for constructive change. Equity demands that women be given a 'sporting chance'."

Champions Race At Lime Rock

Two Sports Car Club of America champions are among the drivers who will compete in the racing program at Lime Rock Park at Lakeville, Conn., next Saturday. They are Peter Gregg, the Trans-Am champion, and Bertil Roos, the Formula Super Vee titleholder.

Among those racing against Gregg is the 200-mile feature Trans-Am race will be San Poscy and Mike Keyser, also in Porsche Carreras, cars on Saturday morning.

Horst Kwech and Harry Theodoropoulos in Capris, Warren Agor and Moe Carter in Camaros and John Buffam and Andy Petery in winged BMWs. There are 40 entries and eight will be eliminated in trials on Friday. Tom Bagley and Tom Davey are two of the strongest competitors. Roos will face in the 60-mile VW void Cup race. There will also be a 10-lap event for vintage cars on Saturday morning.

NCAA: Kingdom, Power and Title IX

ONE OF THE principles I have established on this beat is that anything the National Collegiate Athletic Association finds objectionable is almost certain to have some merit. Often, in fact, the greater the NCAA's indignation, the safer it is to presuppose some worthiness in the object of its wrath.

So naturally it has been interesting to observe the NCAA's approach to battling the latest dragon to imperil its placid, medieval kingdom.

This would be the ferocious beast known as Title IX of the Education Amendments Act of 1972. This statute addresses discrimination in colleges and universities that receive federal support. For a while now, the government has been formulating regulations to interpret how Title IX applies to opportunities and facilities for women in college sport.

NOT SURPRISINGLY, the word "equality" appears in the act. That fact, coupled with the flights of fancy it sparked, convinced the NCAA that its mossy back was to the wall. Catastrophe was seen as imminent — equality for women, whatever that meant, could only lead to destruction for men.

As the appropriate literature has been picturing things, any moment now we can expect the hatchet-men at HEW to pop up with the certified power to destroy college sport as we know it. But in fairness it must be pointed out that the NCAA does not deserve all the credit for fomenting hysteria.

Coaches like Bear Bryant have gone on the record, pointing out how preposterous a fund-sharing arrangement would be in institutions that take seriously their responsibility to hire, outfit and market respectable football teams.

FOR ELOQUENCE no Title IX doomsayer has equaled a Sporting News columnist who predicted a day when teen-age lasses would either be throwing game-winning blocks or degrading football to a point where alumni would disband booster clubs. Tragically,

"Do you want to bring home a companion or a broad that chews tobacco?" the columnist asked. "What do you want for the darling daughter, a boudoir or a locker room full of cussing and bruises?"

This same sage deemed Title IX "as deceptively explosive as an ammunition dump."

How much like an ammo dump is it really? How close is that apocalyptic day when every federally funded institution — and that means most of them — will be forced to squander its treasure in outfitting equally jocks of both sexes?



Mike Roberts

Not very, according to the folks charged with drafting the regulations.

"I'VE TOLD THEM, and they're still doing it," Gwen Gregory, who calls herself "honchperson" of the group, sighed when told of the horrors the NCAA expects to see her office turn loose. "The NCAA is obviously afraid of any change."

There may be some validity in that observation, but that is not the issue. The question is one that has already been answered many times: Do female athletes have a good gripe about the distribution of funds for sports in colleges and universities?

It has been answered once more with the timely

issue of a report just published by the Association of American Colleges, concluding that collegiate athletics have thus far kept the status quo by perpetuating "sex stereotypes and myths."

First there is an accounting of the disparity of monies allotted to support the games boys and girls play. Bake sales apparently are still the economic foundation of women's sports in many institutions. A 4:1 expenditure ratio of 1,000 to one is not out of the ordinary.

A VARIETY of quaint arguments have been raised to buttress the paucity of the arrangement, to wit: That participating in sports can damage reproductive organs, that the menstrual cycle interferes with performance, that breasts can't be protected from injury, that female bones are more fragile than male. All of this properly belongs under the heading of mythology in the view of the AACU report.

The obfuscators should not be permitted to conceal a basic point: Title IX ought not — and almost certainly will not — be used to dismantle big-time, non-amateur collegiate sport, the NCAA's pride and joy. With luck it will create an equality of opportunity long lacking. Darling daughter herself ought to have the choice between the boudoir and the locker room.

Washington Star-News

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Sports

THURSDAY, APRIL 25, 1974

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WHAT CONSTITUTES EQUALITY FOR WOMEN IN SPORT?

-- FEDERAL LAW PUTS WOMEN IN THE RUNNING --

Colleges across the country are reviewing their sports and athletic programs to determine if they provide equal opportunity to their female students. Federal law now mandates that institutions eliminate policies or practices which discriminate against students, as well as employees, on the basis of sex.¹ In addition, enthusiasm for women's athletics is increasing rapidly.

There is a growing recognition that women's athletics, especially women's intercollegiate athletics, is likely to change dramatically in the next decade. A report to the American Council on Education on intercollegiate athletics found that:

The most important and far-reaching recent development on the college sports scene has been the movement to achieve equal treatment for women in the conduct of intercollegiate athletics.²

Some institutions have been reluctant to change policies and practices mandated by athletic conference or association rules, even though they have a discriminatory impact. Such regulations, however, do not alter the obligation of an institution to provide equal opportunity to women and men under federal law. It is becoming increasingly likely that, because of pressure on institutions to have nondiscriminatory policies, athletic association and conferences will be forced to change their rules and regulations.

Legally it does not matter whether or not an institution provides any given service or opportunity. What does matter is that the services and opportunities it does provide not discriminate on the basis of sex.

Although the prospect of coeducational teams has attracted the most attention, there are a variety of issues which must be considered in evaluating opportunities for women in sport. Some issues and remedies are relatively clear cut; others are not.

This paper outlines some of the issues related to equal opportunity for women in sport, gives examples of some situations that might have to be reassessed, and discusses some of the alternatives that are being proposed.

* This paper could not have been written without the research contributions of Caroline Cole, a student at Connecticut College and coxswain on the Connecticut College crew team.

THE EDUCATIONAL VALUE OF SPORT

Most people believe, to some extent at least, that there is a complementary relationship between a healthy mind and a healthy body. Throughout the ages many philosophers have maintained that vigorous physical activity builds character and develops citizenship, as well as contributing to physical well-being. But, according to Sports Illustrated, this reasoning has not been applied equally for women and men:

Sports may be good for people, but they are considered a lot gooder [sic] for male people than for female people.³

The Victorian image of women as physically weak led most early educators to downplay physical activity for women. It was the women's colleges -- Vassar, Wellesley, Goucher -- which first encouraged women to engage in vigorous exercise, apparently on the theory that women could do their best mental work only if it were balanced by physical activity. Also, the founders of these colleges felt that it was necessary to disprove claims that women did not have the physical ability or stamina needed for a college education.⁴

Sport and athletic programs for women have traditionally focused on instruction and lifetime sports. In general, competitive athletic programs have grown out of physical education programs. Much of the tradition for men in sport and athletic programs, however, has been tied to competitive athletic programs. Although these two traditions are not necessarily contradictory, they have oftentimes led to the development of programs for women and men which are strikingly different. This paper attempts to address issues of concern to people interested in sport, no matter what their specific orientation.

ATTITUDES TOWARDS WOMEN IN SPORT

Athletics is a sensitive issue for many people. Because athletics reflect cultural norms, they have tended to perpetuate sex stereotypes and myths about what is "right" for men and what is "right" for women. Men are "supposed to be" strong and aggressive, both physically and emotionally, while women are "supposed to be" weak and passive. Women have not been encouraged to participate in athletics at least partly because the traits associated with athletic excellence -- achievement, self-confidence, aggressiveness, leadership, strength, swiftness -- are often seen as being in "contradiction" with the role of women. As a Connecticut judge stated in a 1971 decision that denied women the right to participate on a cross country team:

The present generation of our younger male population has not become so decadent that boys will experience a thrill in defeating girls in running contests, whether the girls be members of their own team or an adversary team... Athletic competition builds character in our boys. We do not need that kind of character in our girls, the women of tomorrow....⁵

Jack Scott, former Athletic Director at Oberlin College, commented on the attitude towards women in athletic circles:

As any male athlete knows, there is nothing worse than being called "feminine" when he makes a mistake in athletics, especially in a contact sport....[M]ale athletes from 12-year old kids to 36-year old professional football players have had tears brought to their eyes by that kind of "condemnation."⁶

In contrast, comparing a female athlete to a man is seen by many as the highest compliment. When the coach of Micki King, one of the finest divers in the world, wanted to compliment her:

[He]...made the remark that she dives like a man....So quite clearly, what Micki King did was dive correctly; and this was labeled the "masculine way."⁷

Attitudes such as these are difficult to overcome. Sometimes women compare the discrimination that they have faced in sport to the discrimination that blacks have faced. Although these two types of discrimination are obviously not identical, there are some similarities. Just as men's teams have refused to compete with women, white teams once refused to compete with blacks.

Myths die slowly. Although some societies have encouraged women in sport more than others, there have always been vigorous women. The great bull-leaping acrobats of the Minoan culture were women. Etruscan and Spartan women and men trained together. Egyptian and Greek legends credit women with the invention of ball games. Henry VII complained of the expense of keeping Anne Boleyn in archery equipment.⁸

The attitudes that people have about women in sport influence the total athletic opportunities that are available to women -- the funding of their programs, the adequacy of their facilities and equipment, the employment conditions of their teachers and coaches, etc.

THE LEGAL MANDATE FOR EQUALITY FOR WOMEN STUDENTS IN SPORT

The legal mandate for equal athletic opportunity regardless of sex comes from Title IX of the Education Amendments of 1972. The key section of Title IX, which became effective on July 1, 1972, reads:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.⁹

All educational institutions which receive any federal money are covered by the anti-discrimination provisions of Title IX. Virtually every college and university receives some form of federal financial assistance. Although there are some exemptions from non-discriminatory admissions, Title IX requires all educational institutions to provide equal opportunities to their students regardless of sex once they are admitted.

The implications of Title IX for the issue of equality in sport (as well as for a variety of other issues) are considerable.¹⁰ Interestingly, although the Education Amendments Act was hailed as landmark education legislation, the sex discrimination prohibitions were generally ignored by the press and little noted by the educational community.

Title IX empowers the government to withdraw funds, debar institutions from eligibility for future funds and to bring suit against institutions which discriminate against students or employees on the basis of sex. The enforcement provisions of Title IX are patterned after those of Title VI of the 1964 Civil Rights Act, which prohibits discrimination against the beneficiaries of federal monies (students) on the basis of race, color or national origin. Title IX (like Title VI) is enforced by the Office for Civil Rights of the Department of Health, Education and Welfare. Charges of discrimination may be brought by writing to the HEW Secretary, specifying the nature of the discrimination.

Although (as of April 1974) the implementing regulations were not issued, Title IX has been in effect since July 1972. HEW's Office for Civil Rights, which has jurisdictional power over Title IX, had not fully decided (as of April 1974) exactly how Title IX would apply to some aspects of sports and athletic programs. Despite this, a number of complaints of sex discrimination in sport and other areas have already been filed. For example, women students have filed complaints of sex discrimination against the University of Michigan and the University of Wisconsin concerning the athletic and sports programs.

Prior to the enactment of Title IX, charges of discrimination in sports programs could only be brought under the Equal Protection Clause of the Fourteenth Amendment to the Constitution. Perhaps the most common challenge under the Fourteenth Amendment has been by women who were prohibited from participating on "male" teams by the rules or regulations of an athletic conference or association.¹¹ In most instances, there were no parallel female teams. In all probability many future complaints of sex discrimination in sport will be brought under both Title IX and the Fourteenth Amendment.

The existence of state laws, or rules and regulations of an athletic association, which permit or require different treatment based on sex is not a defense to charges brought either under Title IX or the Fourteenth Amendment. In accordance with the concept of federal supremacy, the obligation to comply with federal law supercedes the obligation to comply with state law or regulations of private associations (such as athletic associations or conferences).

Federal law does not presume to dictate what specific philosophy or practices an institution must follow concerning sport. This is an educational decision which belongs to those who formulate educational policy at an

institution. Federal law does require, however, that once a philosophy or practice is determined, it be applied equally regardless of sex and that it not have a disproportionate impact on one sex.

It would be equally legal, for example, for a college to have no competitive athletic program whatsoever or to have an extensive competitive athletic program, so long as the policies were applied equally regardless of sex.

Many aspects of sport at the college level -- especially male competitive athletics -- are coming under increasing scrutiny and criticism. For example, the American Council on Education has recently sponsored a preliminary study of the educational, economic, legal, moral, political, and sociological aspects of intercollegiate athletics in an effort to identify problem areas and formulate recommendations to alleviate these problems. Challenges and questions to the philosophy and operations of college athletic programs are coming from a variety of sources and can be expected to lead to significant changes. Certainly some of these changes will be caused by an effort to eliminate discrimination against women in sport.

WHAT CONSTITUTES EQUALITY FOR WOMEN IN NON-COMPETITIVE PROGRAMS?

Non-competitive and instructional programs in general include programs in which participation is not based on skill. This would, for example, include all physical education and instructional classes, recreational opportunities and most intramural and club sports.¹²

Discrimination in non-competitive (as well as competitive) programs is widespread. To some extent at least, this is a potential problem area on virtually every coeducational campus in the country. To illustrate the pervasiveness of the problem, each of the following sections begins with actual examples of how discrimination might manifest itself on campus. Although the examples are real-life, the institutions at which they occurred are not named.¹³

INSTRUCTIONAL OPPORTUNITIES AND MIXED PHYSICAL EDUCATION CLASSES

- At a prestigious private institution the women's and men's physical education departments were separate and the instructional courses available to female and male students varied considerably. For example, women could not take wrestling and men could not take self defense or volleyball.
- At a southern state university female students could not take coaching courses for credit, with the result that they were not "qualified" to coach teams.

Many physical educators and women's groups argue that there is no justification for single-sex non-competitive or instructional programs. Under Title IX, the lack of duplicate facilities (such as locker rooms and bathrooms) could not be used as a reason for excluding one sex or the other. Bathroom and locker room space may have to be reallocated, but in any event Title IX would not require women and men to undress in front of one another or to share the same bathroom at the same time.

Because of different interest patterns between women and men, it is likely that some instructional classes will continue to be made up primarily of members of one sex. However, women's groups are urging institutions to take care to assure that classes which are primarily male not receive preference over classes which are primarily female in such areas as facilities and equipment, scheduling of classes, or teacher competence.

Many college physical education majors are preparing to become elementary or secondary school physical education instructors and/or coaches. In some institutions the credentials that women can acquire in college for this job are more limited than those a male can acquire. For example, women may be prohibited from taking coaching courses either at all or for academic credit. Or a semester of a "male" sport (such as flag football) may be required as a prerequisite for a coaching course. The result is that, upon graduation, she is not "qualified" to coach teams and is effectively barred from a common career ladder -- that from physical education instructor, to coach, to head of the athletic department, to mid-level administrator, to principal. Policies which prohibit one sex from taking courses which develop their skills would have the lingering effect of limiting future job opportunities and would be a violation of Title IX.

Some women's groups are stressing that institutions be on guard not to offer courses which might have the effect of discriminating against women. For example, if an institution offered coaching instruction only for predominately male sports, it might leave itself vulnerable to criticism and charges from women's groups.

SEX-BASED REQUIREMENTS FOR PHYSICAL EDUCATION MAJORS

- At an Ohio liberal arts college women majoring in physical education must take a service course each term. There is no similar requirement for men.

Some institutions have different requirements for majors in physical education for their female and male students. A different number of courses may be required of female and male students, a different grade point average may be required for graduation or graduation with honors, the selection of courses required or offered may be different, etc. Whatever the difference, it seems clear that such sex based differentiations violate Title IX.

REQUIREMENTS FOR GRADUATION

- At a Pennsylvania college women must show proficiency in two sports in order to graduate. Men need only to show proficiency in one sport.

Different requirements for graduation for female and male students may take a variety of forms.

- Men, but not women, may be able to exempt required physical education courses by taking a skills test.
- Male, but not female, varsity athletes may be exempted from physical education classes.
- Men, but not women, may receive academic credit for participating in intercollegiate athletics.
- Women, but not men, may be able to fulfill their physical education requirement by taking such courses as square dancing, bowling or archery.

Whatever the form of the difference, it is clear that such sex-based differences are a violation of Title IX.

Institutions which allow students to exempt their physical education requirements by excelling on a fitness test may well be faced with a dilemma. For reasons of physiology and training it is likely that male students will in general score higher on these tests than female students. A test which failed a disproportionately large number of women might be found discriminatory under Title IX.

INTRAMURAL PROGRAMS

- At a major state university, women were prohibited from participating in any of the five team sports in the "All Campus Division Program." They could only compete in the individual or dual sports.

It is common for intramural programs to provide more opportunities for men than women, regardless of the interest of women in participating. Many women's groups stress that strong intramural programs for women can serve an "affirmative action" function -- that is, they can provide women with the opportunity to develop athletic skills that they did not develop earlier because of lack of facilities, training or encouragement.

RECREATIONAL OPPORTUNITIES

- At one Ohio institution a woman could not use the handball courts unless a male signed up for her.
- At a large midwestern university, the intramural pool was specifically reserved for "Faculty, Administrative Staff and Male Students" for approximately two hours each day. That is, this was a time for men only.

Providing different or greater recreational or leisure sport activities for members of one sex might prompt charges of sex discrimination. Students might challenge this under Title IX, while employees might challenge the practice as a discriminatory fringe benefit under employment legislation.

WHAT CONSTITUTES EQUALITY FOR WOMEN IN COMPETITIVE ATHLETICS?

The disparities between opportunities for women and men in competitive athletics are often even more pronounced than the disparities in non-competitive athletics. Although these differences exist for a variety of reasons, it appears that they will be closely examined in determining if an institution is complying with the requirements of Title IX.

In general "competitive athletics" refers to athletic teams for which selection is based on competitive skill. This might include programs at the varsity, junior varsity, freshman, or (in some instances) the intramural and club level. As used in this paper, the term competitive athletics includes the activities that are commonly referred to as intercollegiate athletics.

PHYSIOLOGICAL DIFFERENCES BETWEEN THE SEXES

It has sometimes been argued that vigorous physical activity renders women sterile or otherwise damages them. This belief, as well as a number of more subtle myths, has certainly been disproven. These myths include the following:

- MYTH • Participation in athletics might damage a woman's reproductive organs. In fact, many gynecologists believe that vigorous activity improves the muscular support in the pelvic area. The uterus is one of the most shock resistant internal organs and considerably more protected than male genitalia.
- MYTH • Athletic activity causes menstrual problems and impedes menstrual regularity. In fact, the reverse appears to be true.
- MYTH • Women can't reach peak performance during menstruation. In fact, although there is a great deal of variability among women, women Olympic athletes have won competitions and broken records during all stages of their menstrual cycles.
- MYTH • Female bones are more fragile than male bones. In fact, they are on the average smaller, not more fragile.
- MYTH • Women are more likely to be injured in sports. In fact, the injury rate per participant is lower for girls than boys in both contact and non-contact sports.
- MYTH • Females should not play contact sports because they might damage their breasts. In fact, medical and athletic authorities argue that breast protectors could be designed for women, just as various protective equipment has been designed for men's organs.
- MYTH • Women who engage in strenuous athletics develop bulging muscles. In fact, given the same amount of exercise, the development of bulging muscles depends primarily on the amount of male hormone a person has.¹⁴

Before puberty, males and females are nearly identical in their physical abilities. Tests of strength, muscular endurance, cardiovascular endurance and motor performance show few differences between the sexes up to this age. Beyond that age, however, the male becomes considerably stronger, possesses greater muscular and cardiovascular endurance and is more proficient in almost all motor skills. These differences increase in magnitude with time, and the female tends to plateau between the ages of ten and fourteen. According to Dr. Jack Wilmore, however:

Recent evidence . . . indicates that these differences may be more of an artifact of social or cultural restrictions imposed on the female either at or just prior to the outset of menarche, than a result of true biological differences in performance potential between the sexes.¹⁵

A major physiological difference between adult women and men is that men on the average are larger and heavier than women. The average woman, on the other hand, is more flexible and has better balance. Women in sport point out that most sports emphasize and reward traits in which men tend to excel.

Averages can be misleading. Although a superbly fit adult female may be at a real disadvantage competing with a superbly fit adult male in athletic contests which depend primarily on speed and strength, she might well outperform an average male. In the words of Dr. Thomas E. Shaffer:

...while there are very significant sex-related differences between males and females, it should be born in mind that there are undoubtedly greater differences between the third and the 97th percentile in each sex than there are differences between the average female and the average male in terms of physical performance.¹⁶

In other words, all men are not superior to all women in all athletic skills. There is a good deal of overlap in ability between the sexes, so that a sizable number of women outperform a number of men.

FACILITIES AND EQUIPMENT

- At an Ivy League college the women's crew team was given inferior equipment because the coach of the men's team did not believe that women could handle the newer, better shells. At another eastern college, the crew coach authorized the use of funds designated for both the female and male teams to purchase a shell designed for men only, rather than for a shell both sexes could readily use.
- When the new gym was built, the old gym was "retired" to the women.

Generally there are great differences between the facilities and equipment available for women's and men's competitive athletics, even for the same sports. For example:

- The women's teams may get the "left over" equipment from the men's teams or they may get the old equipment when the men's teams get new equipment.
- Uniforms may be provided for the male team only, or the uniforms for the male team may be more elaborate.
- The women may have inferior gym or locker room facilities.
- The equipment for the male team may be of a higher quality or they may have more "backup" or practice equipment.
- Equipment (such as practice uniforms, tennis rackets) may be provided for male, but not female, teams.

All of these practices are likely to be challenged under Title IX. Many institutions are beginning to evaluate the equipment and facilities to assure that there is no disparity based on sex.

PROVISION OF MEDICAL AND TRAINING FACILITIES AND SERVICES

- The university health service provides team doctors for varsity athletics for men, but not women.
- At a private eastern university, members of the male football team ate at a "training table" which featured high protein food. No similar provisions were made for any female athlete.
- At a west coast state university, certain insurance programs are available to men athletes only.
- A woman athlete who injured her knee could not use the ultrasonic machine available for therapy of male athletes.

An institution which provided such differential services (including insurance coverage) to male, but not female, athletes would leave itself vulnerable to charges of sex discrimination under Title IX.

SCHEDULING OF GAMES AND PRACTICE TIMES

The women's varsity basketball team at an ex-women's college had difficulty practicing because they were allowed to use the gym only when the men's teams did not want to use it.

The women's swimming team at one elite eastern school had to practice on week nights after dinner because no other time was made available for the women to practice.

Routinely giving priority to teams of one sex in scheduling of games or practices might well be considered a violation of Title IX. For example, all of the following may be called into question under the law:

- Assigning male teams to the most desirable seasons of the year and times of day to compete and/or practice.
- Allowing male teams longer practice sessions, at the expense of practice sessions for female teams.
- Giving varsity teams priority use of facilities if there are substantially more men than women that compete at the varsity level.

To resolve these problems, female and male teams could, for example, alternate days (with the women using the facilities on Monday and Wednesday, the men on Tuesday and Thursday and both on Friday and Saturday). Likewise, they could alternate "desirable" and "undesirable" times (so that, for example, neither team always played on a weeknight or a weekend).

AVAILABILITY OF FUNDS FOR TRAVEL AND PER DIEM ALLOWANCES

- In order to pay for travel to athletic events, the members of the women's teams had to sell candy bars and hold bake sales, while the men's teams traveled by chartered bus at the university's expense.
- The women's teams had to pay for their own transportation and meals, while the university footed the bill for first class air fare for the men's football team.

Often, in part because of strikingly different funding mechanisms and levels for women's and men's sports, there are wide discrepancies in the opportunities that female and male teams have for travel. Often the per diem allowances for men are considerably higher than those for women. Indeed, in some institutions, the women have no per diem allowance.

Using different standards and providing different opportunities and amounts of travel money for female and male teams is coming under increasing challenge. Some people are proposing that all (or predominately) male teams and all (or predominately) female teams travel together, and compete at the same institutions on the same days so that travel costs are simultaneously shared and minimized.

ATHLETIC SCHOLARSHIPS

- If a woman accepted an athletic scholarship, she was automatically banned from many competitive intercollegiate athletics.

Until the spring of 1973, the Association for Intercollegiate Athletics for Women (AIAW) had a strict policy forbidding female competitors in intercollegiate athletics from accepting any financial aid that was based in whole or part on athletic ability. This policy grew out of a concern that the provision of scholarships or other financial assistance specifically designated for athletes created a strong potential for abuses which could be detrimental to both the student and the quality of the institution's athletic program for women. Women saw the problems with athletic scholarships for men and tried to avoid the same problems in women's intercollegiate athletics by banning scholarships entirely. The different positions of the women's and men's athletic associations on the issue of scholarships are illustrative of the different approaches and traditions in women's and men's athletics. The AIAW policy was changed largely in response to a suit (*Kellmeyer, et al. v. NEA et al.*) brought by female tennis players at Marymount College (Florida) who protested being denied the right to participate in the prestigious AIAW-sponsored intercollegiate competition because they were recipients of athletic scholarships. Now the AIAW no longer prohibits female athletes from accepting athletic scholarships.¹⁷ In large part because this prohibition has been lifted, a number of institutions now offer women athletic scholarships.¹⁸

Athletic scholarships may come from a variety of sources; the impact of Title IX may vary according to the source of income. For example, it seems clear that scholarships which come from general university funds, student activity fees, etc. must be awarded in a nondiscriminatory manner. That is, they could not provide different amounts or types of aid, limit eligibility, apply different criteria or otherwise discriminate on the basis of sex. These scholarships would have to reflect the interest and capabilities of the student-athletes, regardless of sex.¹⁹ Although the Title IX regulations are not yet out (as of April 1974), they might allow an institution to offer single-sex scholarships for "affirmative action" purposes -- that is, in an effort to overcome the effects of past discrimination. However, scholarships which are administered by a group outside the institution and which the university in no way endorses, approves, lists or perpetuates can be limited to one sex.

A related issue to that of scholarships is the availability of student employment. Providing different employment opportunities or options for female and male athletes or referring them differentially to jobs on the basis of sex would undoubtedly be deemed a violation of Title IX, as well as of other legislation prohibiting sex discrimination in employment.

RECRUITING ATHLETES

- The regulations of the Association for Intercollegiate Athletics for Women state that some "recruitment practices may be contrary to educational objectives" and clearly forbid subsidizing campus visits of prospective student athletes. The regulations of the National Collegiate Athletic Association, on the other hand, permit the institution to subsidize recruiting athletes in a variety of ways.

The practices surrounding recruiting male college athletes have periodically erupted in scandal over the years. There is increasing concern over recruitment practices at present because, according to the New York Times (March 10, 1974), they are becoming more like a "frenzied slave market" as more and more athletic departments run in the red. Because of the cost and the pressure, forty-one colleges have dropped football in the past ten years.

The issue of sex discrimination does not rest on whether or not recruiting is desirable. It rests on equality. For example, if an institution feels that recruiting student athletes is not desirable, it may wish either to use the pressure for equity to de-emphasize recruiting for males, or to begin recruiting female athletes with the same intensity that they have been recruiting males.

MEDIA COVERAGE OF SPORTS

- In some stadiums, women are not allowed in the press box, with the result that they cannot adequately cover games.
- Women at a prestigious western university protested so-called "honey shots" of women spectators at sports events. The women said that they neither wanted nor needed "the defense of their physical attractiveness by [the] sports information director or the media."

Women at a number of institutions have raised the issue that women's athletics have not received sufficient coverage in university publications (press releases, bulletins, newspapers, etc.) or that the public information office of the institution provides services for men's, but not women's athletics. It seems clear that such university-sponsored or funded publications or services are bound by the university's obligation not to discriminate on the basis of sex.

THE SELECTION OF SPORTS AND LEVELS OF COMPETITION

- A large midwestern university spent over \$2,600,000 on its men's intercollegiate athletic program. There was no comparable program for women's intercollegiate athletics. In fact, no university money whatsoever was officially spent on women's intercollegiate athletics.
- At a formerly all-female college, men compete in five sports (with an annual budget of \$4,750); while women have three sports (with a \$2,060 budget).

A competitive athletic program often includes sports at the varsity, junior varsity, freshman and occasionally the intramural or club level. The level of competition offered is expected to vary according to the skill level of the participants and opportunities for competition. However, because fewer women generally participate in competitive sports, their opportunity for competition at various levels is limited. As part of an "affirmative action" or "remedial action" program concerning women's athletics, an institution might both encourage its own women students to participate in athletics and encourage other institutions to develop competitive sports programs for women, so that the women at a given institution would have greater options for competition.

Some people are recommending that institutions conduct periodic student surveys to determine the sports in which members of each sex would desire to compete, the appropriate levels of competition, and whether teams should be single sex or mixed. They argue that these assessments would provide institutions with guidance concerning the most appropriate way to expand opportunities as women become more involved in competitive athletics. They further argue that these surveys should be conducted yearly (perhaps using data processing cards at registration) so that the athletic opportunities for women students are responsive to changing interest patterns. Opponents of this plan, however, say that such a survey would be difficult and expensive to administer and that it poses a governance problem. They also fear that they would be forced to change the athletic opportunities available for men if male students were similarly allowed to play a major role in determining what athletic opportunities were available to them.

THE CALL FOR AFFIRMATIVE ACTION FOR WOMEN'S ATHLETICS

Women's groups are saying that institutions should take affirmative action to overcome the effects of past discrimination in competitive athletics. Already there have been a number of changes in the athletic opportunities available to women in educational institutions. Several states have passed state law to open up athletic opportunities to women. Others have expanded the opportunities available to women in response to pressure and complaints from civil rights groups and women's groups. In addition, a growing number of institutions are conducting studies to determine the adequacy of the athletic opportunities that are available to women.

Women's groups argue that it is not enough simply to expand the athletic opportunities for women somewhat. They are urging institutions to take affirmative steps to encourage women to avail themselves of the available opportunities for competitive athletics. They stress that institutions should use their facilities and services to the fullest to assure substantial participation by women in competitive athletics.

COMPETITIVE ATHLETICS: SINGLE SEX TEAMS VS. MIXED TEAMS

This issue is as complex as it is controversial. A number of organizations have taken stands on it, often for very different reasons. The question of "coed teams" has generated more publicity and more court action than perhaps any other issue concerning women in sport.

Often people ask if the fact that a sport is a "contact sport" can be used to justify prohibiting women and men from playing on the same team. Those who oppose coeducational contact sports generally base their opposition on a concern for the physical safety of the women or on the idea that women and men should not be forced into "contact" situations.²⁰ Advocates of coeducational contact sports point out that competitive athletics are, by their very nature, closely supervised, and medical experts and physical educators say that the woman who is capable of making a competitive team is no more susceptible to injury than a man who is capable of making a team. Also, there appears to be no legal basis under Title IX for differentiating between contact and non-contact sports.

Perhaps it would be helpful to outline some of the factors that one might consider in evaluating which structure -- mixed (coeducational) teams, single sex teams or some combination of the two -- is most likely to provide equal opportunity in competitive athletics for both women and men.

In evaluating these structures, institutions may find it helpful to keep in mind that the impact of a policy or practice must fall equally on both sexes. In other words, does the policy have a disproportionate effect on one sex or the other?

SHOULD ALL TEAMS BE COMPLETELY COEDUCATIONAL?

To some, complete integration of the sexes in all sports would appear to be both the most simple and the least discriminatory solution. Upon closer inspection, however, it becomes clear that, because of differences in training and physiology, such an arrangement would effectively eliminate opportunities for women to play in organized competitive athletics. For these reasons, this alternative would not appear to be in line with the principle of equal opportunity.

SHOULD THERE BE TWO TEAMS FOR EACH SPORT: ONE FEMALE, ONE MALE?

One way in which an institution might attempt to be in compliance with Title IX would be to operate parallel male and female single sex teams (without discrimination in services, facilities, equipment, etc.) for each sport. However, a major problem with this approach is that "separate-but-equal" has been generally considered inherently unequal since the Supreme Court outlawed racially segregated education in 1954. In general, the only times that "separate-but-equal" has been considered acceptable when sex discrimination was involved has been in issues related to privacy (such as the use of bathrooms, locker rooms, dressing rooms, etc.). Opponents of the "separate-but-equal" approach have also criticized it because it does not allow the superior female athlete to compete on the male team (which might well be the team with the highest ability level). Moreover, this alternative might be prohibitively expensive.

Advocates of this alternative maintain that applying the "separate-but-equal" principle in competitive athletics can be justified for sex discrimination (but not race discrimination) because there are general physical differences between women and men (but not between blacks and whites). They maintain that women's athletics are different from men's athletics, even when the game they are playing is the same. (As an example of this, they cite the different strategies and skills that are involved with women's and men's tennis.) Superior women athletes could not "move up" to the men's team, so that the women's team would not be undercut by losing its best athletes.

A major advantage of the separate-but-equal team approach is that, because the two teams can operate in unison in many areas, this approach might be a fast and effective way to rectify some of the current imbalances in resource allocation and spectator interest. For example, a method of scoring modeled after that used in the Olympics has been suggested by a number of people as a way to capitalize on the "two team" concept. Under this, female teams would compete against female teams and male teams against male teams (alternating the game order, since the second game is generally the "star attraction"). The scores of the two contests would be totaled to determine the winning school. For example, if a school's women's basketball team won 80 to 60 and the men's team lost by 55 to 70, then the school would have won the competition by a five point margin (135 to 130). Proponents of this approach point out that having the two teams travel and compete together would minimize travel expenses and provide an incentive for those involved with women's and men's athletics to work together more closely.

SHOULD THERE BE TWO PREDOMINATELY SINGLE SEX TEAMS, WITH A PROVISION ALLOWING THE "UNDERDOG SEX" TO "COMPETE UP"?

This idea has been suggested as a way to provide the superior female athlete with a chance to "compete up" (that is, compete for a position on the men's team). This mechanism would work in the following manner: Assume that there are "separate-but-equal" teams for women and men. However, the skill level of one team (for example, the men's

team) is considerably higher than the skill level of the other (women's) team. Therefore, in this case, women could "compete up" but men could not "compete down." The result of this alternative would be two teams -- one team which would be substantially male (but officially open to either sex) and one team open to women only.²¹ (Of course, neither team could be favored in terms of facilities, opportunities, etc.) This situation would be analogous in some ways to the opportunity that members of the junior varsity team often have to try out for the varsity, while the reverse is not permitted.

Although this approach might provide the superior female athlete with the opportunity for the highest level competition, it has been criticized as administratively unwieldy and too complex to be workable. In addition, some women fear that this practice would have the effect of skimming off the best players from the women's teams. Opponents of this approach also point out that, although the woman who makes the men's team is likely to be one of the best players on the women's team, she is not likely to be one of the best players on the men's team.

SHOULD THERE BE THREE TEAMS: ONE FEMALE, ONE MALE AND ONE MIXED? ²²

Proponents of this "three team" approach maintain that it offers the best features of both the single sex and mixed approaches. They argue that it would provide opportunities for students who want to compete on single sex teams, as well as mixed teams. In addition, they maintain that this alternative would provide the most students with the opportunity to participate in competitive athletics. They argue that, if competitive athletics is an important part of the educational experience at an institution, as many students as possible should have the opportunity to participate in them.

On the other hand, those who oppose this approach point out that having three teams for a sport could be prohibitively expensive. They also maintain that having three teams would dilute the available athletic talent and result in mediocre athletic contests. In addition, they say that it would be difficult to find other institutions with similarly structured teams to compete against, since this approach would require a rather large participation rate. Also, women's groups fear that, unless there is a requirement that the mixed team be fifty percent female, it would become in effect a second all male team.

IF THERE IS A SINGLE TEAM FOR A GIVEN SPORT, SHOULD IT BE SINGLE SEX OR MIXED?

The concept of "separate-but-equal" teams is complicated by the fact that women and men often have different interest patterns. Generally institutions offer different competitive athletics for women and men based on the assumption that they have different interests. For example, an institution might offer field hockey for women and football for men. Assuming equal opportunity, this situation poses no problem until a woman tries out for the football team or a man tries out for the field hockey team. The institution is at this point faced with deciding whether it is in the interest of equal opportunity to allow the member of the opposite sex to try out for the "single sex" team.

Many people argue that not allowing the person to try out for the team would infringe on his or her individual rights. Others counter that the effect of this "open door" policy could well be discriminatory: that is, while a good many men might qualify for the "women's" field hockey team, few (if any) women would qualify for the "men's" football team. They argue that the effect of this two-way open door policy would be to provide substantially more competitive athletic opportunities for more men than women and that, if men were allowed on the "women's" field hockey team, the "women's" team might eventually be predominately male.

In trying to resolve this difficult situation and assess whether integrating the single sex team would be discriminatory or in line with equal opportunity, an institution might examine the overall pattern of competitive athletic opportunities offered to women and men. An institution might, for example, decide to provide one fall sport for each sex -- field hockey for women and football for men. (This assumes that roughly equal facilities, opportunities, etc. are provided for both teams.) Based on this decision, the university might refuse women the opportunity to participate on the football team and refuse men the opportunity to participate on the field hockey team (especially if opening up both teams would have the effect of displacing a significant number of women but few, if any, men).

The above reasoning assumes that there are roughly comparable female and male teams and programs for similar sports (e.g., field hockey/football) in a given season. If these "equal" opportunities do not exist, the argument for keeping a team single sex does not apply. In fact, some people argue that, if there is not sufficient interest to have separate teams for the same sport, then the institutions must open up the one team it does have to both sexes on a competitive basis.

SHOULD TEAMS BE BASED ON HEIGHT AND WEIGHT?

Although this structure does not officially depend on sex, the height/weight categories (certainly the categories at the extremes) would be virtually single sex. For competitive athletics, this structure has been criticized because:

- It might give the illusion of nondiscrimination, while at the same time perpetuating discrimination, especially if priority were given to the larger height/weight teams (which would generally be all male).
- It would require too many separate teams to be administratively feasible and it would therefore be prohibitively expensive.
- Some persons claim that there are valid physical differences (such as muscle mass) between the sexes, even between women and men of the same height and weight.

Although this arrangement is probably not practical or desirable for all competitive athletics, a number of people maintain that it would be a viable option for intramural, non-competitive and instructional programs.

WHAT OTHER ALTERNATIVES ARE THERE?

In the July 1973 issue of Ms. magazine, Brenda Feigen Fasteau, a lawyer for the American Civil Liberties Union Women's Rights Project, identifies several other options, all of which she finds unacceptable:²³

- A system involving ability-determined first and second-string teams. She finds this inequitable because it would probably result in two all or predominately male teams, with no increased opportunities for women.
- A first-string team that is sex-integrated and a second-string all-female team. This might be criticized for discriminating against men.
- A first-string team based on ability with a second-string team that was evenly divided between women and men. Fasteau does not favor this approach because it would have the result of favoring boys by virtually assuring them one and a half out of the two teams.
- A quota system requiring half females and half males. This system, she feels, would cause a variety of problems, among them "intrateam ostracizing of the [women] who dilute the overall performance and interteam exploitation of the 'weaker sex' by members of the opposing team."

There is considerable disagreement among physical educators, legal experts and women's groups about what is the best approach to this difficult and complex problem. Other alternatives not mentioned here may evolve as the issue is studied more closely and as various approaches are put into practice. Women's groups are stressing that it is especially important to look at the results and effects of policies, as well as the policies themselves, to determine if there is equal athletic opportunity for women.

COMPETITIVE ATHLETICS: THE FUNDING OF PROGRAMS

The issue of funding is central to the issue of equality. Although there may not be a one-to-one relationship between the amount of money expended and equal opportunity, it seems certain that funding levels and mechanisms will need to be studied in evaluating the degree of inequity for women in sport.

Some women's groups are pressing for an "equal expenditure" standard. Using this principle, institutions would be required to spend the same amount of money per student or per participating athlete for females and males. They argue that this is the best way to make certain that women and men have equal opportunities. In contrast to this point of view, some athletic associations argue that revenue producing sports should be partially or totally exempt from the requirements of Title IX.

Perhaps the crux of the problem concerning funding women's intercollegiate athletics is that, with a finite amount of money available for intercollegiate athletics, providing more equal funding for women's teams may mean that institutions cannot afford to continue to fund men's teams at high levels.

The issues involved with the funding of programs -- where the money comes from, how much is allocated and what it is used for -- are both complex and closely interrelated. The following outlines some of the important areas.

THE SOURCES OF FUNDS

- At a western state university the men's athletic program is funded as a line item in the regular budget. The women's program, however, must compete with the chess club to receive student activities fees.
- At one large state institution, only \$5,000 of the \$68,000 raised by student fees for athletics was allocated for women's programs, even though about 50 percent of the student body was female.

The sources of funds for athletics vary greatly from campus to campus; often the sources of funds for women's and men's athletics on the same campus are dramatically different. Although this situation makes providing equal opportunity a more complex issue, it is doubtful that having different sources of funding for women's and men's competitive athletics is in itself a violation of Title IX, provided that such funding does not have a disproportionate effect on the basis of sex in terms of programs, facilities, etc.²⁴ If the athletic programs for women and men are funded in different ways, the burden to prove that this complex funding pattern does not discriminate on the basis of sex is likely to lie with the institution.

The funds for intercollegiate athletics may come from such diverse sources as a line item in the institution's budget, student activities fees, revenue generated by athletic events, the athletic department (which is generally all male), the women's or men's physical education department, or from fund raising activities. (In addition, of course, funds for the support of intercollegiate athletics may also be "hidden" in the institution's budget in a number of ways -- maintenance on the stadium, practice gyms and fields; health care provided by the university health service; salaries of coaches or trainers; giving athletes special consideration for scholarships or student employment; and so forth.) A study of the "Status of Funding of Women's Intercollegiate Athletics" (Journal of Health, Physical Education and Recreation, October 1973) found that the most frequently mentioned "best" funding source was a line allocation from the school budget. However, only 25 percent of the programs received funding from this source. A far larger proportion (41 percent) depended on student activity fees. Those that were funded from these fees in general expressed a high degree of dissatisfaction because of a lack of consistency and security in funding from year to year.

In addition to its inconsistency (especially if allocation is governed by the student government), using student activity fees differentially for women's and men's athletics may pose a problem with students. Since this money is designated for student activities, its allocation can expect to come under fire from women on campus when it does not fund women's athletics at a reasonable level, compared to the men's program. At one state institution, for example, women students protested the allocation to men's athletics of 86 percent of the \$115,000 earmarked for athletics. At other institutions, women are protesting having their student activities fee "automatically" buy them entrance to men's intercollegiate athletic events. (This money is then treated as "revenue" from these sports.)

THE SOURCES OF FUNDS: REVENUE PRODUCING SPORTS

Athletic organizations and some university representatives argue that revenue producing sports (such as football and basketball) should be exempted from the requirements of Title IX either entirely or to the extent that any revenue produced is used to perpetuate that sport.²⁵ They argue that, even though these teams are all-male, they are in a class by themselves. They fear that certain sports revenues would decrease if the fund raisers couldn't promise that funds would be spent on the teams they had traditionally supported. They feel that this would cause a particular problem in colleges where revenues from one sport support other competitive sports as well. Women's groups contend that such exemptions would perpetuate the status quo. They point out that the effect of allowing revenue to be retained for the expenses of a particular team would have a substantial discriminatory effect. For example, members of a men's basketball team might have their uniforms and travel expenses covered, while members of the women's basketball team might have to pay for their own uniforms and travel out of their own pockets (as indeed many women athletes now do). In addition, some women's groups maintain that, if revenue producing sports are exempted in some way from the requirements of Title IX because they resemble business activities more than educational programs, these sports do not belong on a college campus in the first place.

It is not yet clear what position HEW's Office for Civil Rights will take on this issue. It might be helpful to examine what might happen in two different fact situations -- i.e., when a sport runs in the red and in the black:²⁶

- When a Competitive Sport Makes a Profit: Assume that the income from a sport was \$500,000 and that the total cost of maintaining that sport was \$450,000. This leaves a profit of \$50,000. (1) If revenue producing sports were exempted totally, this \$50,000 could be used in any manner whatsoever. (However, if this \$50,000 profit were funneled back to the college for general expenses or for other sports programs, it would probably be subject to the same nondiscrimination requirements as other general institutional funds.)

(2) If revenue sports were exempt only to the extent that they are self-financing, the institution would be required to use only the profit (\$50,000) in a nondiscriminatory manner. (For example, excess revenues from male intercollegiate athletics could not be used to support only other male sports -- a practice that women's groups charge is common.) (3) If revenue producing competitive athletics were not exempted at all, the entire \$500,000 would have to be used in a nondiscriminatory manner.

- When a Competitive Sport Runs in the Red: Assume that the income from a sport was \$100,000 and that the total cost of maintaining that sport was \$175,000. This results in a \$75,000 deficit. Also assume that the institution followed the common practice of underwriting this deficit. (1) Even if revenue producing sports were totally exempt, the institution would probably be under considerable pressure to include the \$75,000 subsidy of the sport in their assessment of female and male athletic opportunities. (2) If revenue producing sports were exempt only to the extent that they are self-financed, the institution would undoubtedly be required to include this \$75,000 subsidy in evaluating equal opportunity. (3) If revenue producing competitive athletics were not exempt at all, women's groups argue that the entire \$175,000 would have to be accounted for in a nondiscriminatory manner.

The above examples are considerably more simple than actual funding situations. In most institutions the cost of maintaining revenue producing competitive athletics is interwoven into a variety of budget categories -- the maintenance department, the physical education and/or athletic departments, capital expenditures (for stadiums, etc.), equipment, etc. Separating out the extent (in dollars and cents) to which a given sport is supported by an institution is no simple task.

In addition, it would be necessary to define what expenses would be included in the "self-financed" definition. For example, would funds for athletic scholarships be treated like salaries and included in this definition of "self-financing?"

One final point to keep in mind is that, no matter what position the government takes on the issue of revenue producing sports, an institution could not differentially allow teams of one sex or the other to engage in revenue producing sports.²⁷

THE SIZE OF THE BUDGETS

- At a large state university in the northwest, women's sports received only nine-tenths of one percent of the institutions two million dollar athletic budget (\$18,000), even though over forty percent of the undergraduate students were women.
- At a major state university, over 1300 times as much was spent for men's intercollegiate athletics than for women's.

Although they may have once had some validity, the reasons most often given for funding women's athletics at a low level often do not hold up under scrutiny. It has been shown that, given encouragement and ample opportunity, female students become interested in athletic programs. They practice seriously and strenuously. Given ample support and publicity, women's sports can create as much spectator interest as men's sports. For example, girls' basketball in Iowa is a major sport, and outdraws boys' basketball.

Disparities between the budgets for women and men are a central concern when evaluating an institution's athletic program. These disparities may take the form of differences in either the total amount of money spent on women's and men's sports or the amount of money allocated per sport for women and men. A recent study reported in the Journal of Health, Physical Education and Recreation (October 1973) found that the average annual budget for all of women's athletics at institutions was \$8,905 (or about a dollar per student). However, the average "optimal" budget for women's athletics was \$21,600, well over twice the actual budget. In comparison with the budgets of many men's athletic departments, even this "higher" figure seems modest indeed.

It is likely that women's sports will require considerable budget increases to provide fair opportunities to women students, especially when new programs are being "geared up." However, it is unlikely that women's competitive sports will require, in the near future, the identical funds that men's competitive sports now require. According to the New York Times (March 15, 1974), nine out of every ten college athletic departments (which are generally all or predominantly male) run at a deficit -- a deficit which is usually covered by university operating funds. The National Collegiate Athletic Association (NCAA) estimates that the current annual deficit of its members is almost fifty million dollars.

The issue of equal opportunity for women can provide an opportunity to assess the total athletic program (for both women and men) in light of the goals and objectives of the institution.

THE USE OF THE FUNDS

- At a private New England College the budget for the male (but not the female) teams included funds for travel. The women had to hold bake sales, sell Christmas trees and seek donations in order to fund their travel.

Women in competitive athletics commonly report that their budgets do not cover (or do not cover adequately) a variety of items that are covered in the men's budgets. Commonly cited as examples of this are inequities in allocations for travel, equipment and uniforms, as well as for scholarships and recruitment.

Problems in this area are related to the fact that often competitive athletic programs for women and men are administered separately, receive very different per student or per sport allocations, and receive their money from different sources. Some women's groups are concerned that institutions will attempt to justify differences in the use of funds for female and male athletics because they are run by separate departments or receive their funds from different sources. The implication of having separate administrative mechanisms or budgets for women's and men's athletics is that it would be essential for the parallel departments to coordinate their budgets very closely. (It is also not clear whether or not Title IX will allow two separate administrative structures to exist.)

"SEPARATE-BUT-EQUAL" ADMINISTRATIVE STRUCTURES IN ATHLETIC AND PHYSICAL EDUCATION DEPARTMENTS, AND GOVERNING ASSOCIATIONS

- At a large midwestern football power the men's sports programs are controlled by the athletic department while the women's programs are under the auspices of the physical education department.
- At a western state university the women's athletic department is an administrative subsection of the men's department.
- Men's intercollegiate athletics are governed by the National Collegiate Athletic Association while women's intercollegiate athletics are governed by the rules of the Association for Intercollegiate Athletics for Women (which is a division of the Division for Girls and Women's Sports of the American Association for Health, Physical Education and Recreation). The rules of these two organizations vary considerably.

Federal policy does not mandate specific administrative structures for athletics; it is rightfully the prerogative of an institution to establish its own mechanisms for implementing its philosophy concerning sport. What the government does require, however, is that the philosophy concerning sport be applied equally for women and men and that the implementing mechanisms not have a discriminatory impact on one sex or the other.

The main structural problem in sports and athletics revolves around the "separate-but-equal" question. It is not uncommon for an institution to have distinct departments or divisions for women's and men's competitive and non-competitive athletics --or to have a department for men's athletics only (with women's athletics handled by the women's physical education department). Also in general women's and men's competitive athletics are governed by different associations with different rules, regulations and policies.

The pros and cons of "separate-but-equal" administrative governing structures are complex. There are sincere debates concerning whether the principle of equal opportunity would best be served by having one single integrated structure for both sexes, or by separate structures for each sex. Proponents for separate structures argue that merging them would mean that women would lose whatever control they now have over women's sports. They argue that merger would mean "submerger" (i.e., that men would more completely dominate the nature of sport for women, while women would still have no control over men's sports). Advocates of integrating the two structures argue that combining the two structures would give women's athletics a welcome boost and would force institutions to promote women, as well as men, to positions of responsibility. Still others argue that, while there is no justification for separate structures regarding non-competitive programs, single sex structures and governing associations should be permitted for competitive athletics to the extent that single sex competitive athletics are permitted. Many of the arguments concerning "separate-but-equal" single sex teams can be applied to this situation as well.

In many instances women have had little influence at the policy making level even in their own programs because they are sparsely represented (if they are represented at all) on boards of directors, athletic councils and other decision making bodies. Some women in physical education say that the meager role they play in making decisions

concerning women in sport has a discriminatory impact that outweighs that of unequal salaries and discriminatory promotion policies.

Some institutions have been reticent to challenge policies or practices mandated by athletic conferences or association, even though they have a discriminatory impact on women. Although athletic conferences and associations are not directly prohibited from discrimination under Title IX, institutions cannot rely on conference regulations as an excuse or rationale for discriminatory practices in their athletic and sports programs. Institutions must provide non discriminatory programs regardless of conference rules and regulations. For example, the differential association or conference requirements for each sex concerning eligibility for financial aid or for participation in intercollegiate sports do not absolve the institution from the obligation to treat the sexes equally.

Many educators and women are fearful that institutions might automatically follow the practices of the male associations and conferences when they adopt uniform standards and policies to cover both sexes. They urge institutions to use this opportunity for reevaluation to ensure that new uniform policies are indeed nondiscriminatory and are in line with the educational philosophy of the college.

WHAT CONSTITUTES EQUALITY FOR WOMEN EMPLOYEES IN SPORT?

The legal basis for providing equal employment opportunities for women in sport is well established.²⁸ Federal laws and policy forbid educational institutions from discriminating against employees on the basis of sex in hiring, upgrading, salaries, fringe benefits, training or all other conditions of employment.²⁹ Institutions which violate these statutes and regulations face losing federal monies, having federal funds delayed, being debarred from receiving federal monies in the future, and possible court action.

Discrimination against women physical educators and coaches has, perhaps more obviously than any other employment discrimination, a dual impact. In addition to discrimination against the woman employee, the woman student suffers as well because many physical activities have traditionally been segregated by sex in the past. For example, sex discrimination in employment in sport often means that women students are denied the benefits of adequate coaching, instruction, and other athletic opportunities.

The following examples of employment discrimination are not intended to be exhaustive. Instead, they are intended to illustrate some of the unique ways in which employment discrimination against women in sport occurs.

HIRING

- A woman who had worked for several years in the women's physical education department applied for an opening on the men's athletic staff. Though qualified for the job, she was not even considered. Instead, a recent male graduate was hired.

In the past many physical education and athletic programs have followed a policy of hiring only women to teach or coach women and only men to teach or coach men. It is becoming increasingly clear that there is no legal justification for this policy.³⁰ Of course, the right of privacy of both employees and students would be protected (i.e., women and men would not be required to use the same bathroom or locker room facilities at the same time). The lack of these facilities could not be used as a justification for excluding one sex or the other.

LENGTH OF APPOINTMENTS

- The men in the athletic department are given 12 month appointments, while the women can only negotiate 9 month contracts.

While an institution might have legitimate nondiscriminatory reasons for negotiating contracts of different lengths with different employees, offering different conditions or options on the basis of sex would undoubtedly be judged illegal.

SALARIES AND COMPENSATION

- A woman was paid half of what a male was paid to officiate in the same game.

- At a major midwestern university the men's athletic director is paid \$10,000 more than the women's athletic director, even though they perform essentially the same work.
- Coaches at a state university in the south are paid to coach the men's teams. The coaches for the women's teams are not paid to coach; they are paid as physical education instructors only, and coach (without compensation) in addition to their full-time teaching responsibilities.
- The women's basketball coach at a small New Jersey state college is paid considerably less than her male counterpart.
- The male coaches, but not the female coaches, receive extra duty pay and/or "release time" to coach.

All of these examples are variations on the same theme: women are paid less to coach or teach women than men are to coach or teach men.

The law mandates equal pay for equal work (which is generally defined in terms of the skill, effort and responsibility involved). Judging equal pay is a relatively simple matter when evaluating two people officiating at the same game and performing the same tasks.³¹ Similarly, it is not difficult to compare a female and male tennis coach (who perform the same functions for the female and male teams, respectively). It is somewhat more difficult to compare an individual male football coach to an individual woman tennis coach, however. It is not clear whether the government enforcement agencies will make such comparisons. However, if male coaches as a group are consistently paid at a higher rate than women coaches as a group, the question of a pattern of discrimination arises.

OPPORTUNITIES FOR ADVANCEMENT, PROMOTION AND TENURE

- Preference for the position of athletic director was given to candidates who had risen through the ranks of the football coaching staff -- a career ladder from which women were excluded.
- The women's athletic director is an associate professor, while her male counterpart is a full professor.

Many women charge that they are shut out of opportunity for advancement in the athletic hierarchy before they even get started. For example, it is a common practice to require candidates for the position of athletic director to have experience coaching football (or to give preference to those candidates who have this experience). Women, however, have been excluded from football coaching jobs. Such a promotional or hiring pattern might be judged illegal, unless the institution could prove that women had not been excluded from these positions in the past. This practice might also be challenged on the basis of whether or not experience in coaching football is essential to performing the duties of an athletic director. In no event, however, could qualified women be denied on the basis of sex the opportunity to be members of the football staff in the future.

In addition, many women have a lower rank than their similarly qualified male counterparts who do essentially the same work. One would expect this sort of inequity to be resolved as a part of the campus affirmative action plan.

AVAILABILITY OF SUPPORT SERVICES AND BENEFITS

- While the women's athletic director is aided by one student assistant for 15 hours a week and has about 200 square feet of work space, the male athletic director has an assistant, a civil service bookkeeper, a business manager, five secretaries and a suite of offices.

Lack of sufficient support services can perpetuate discrimination against women in sport. For example, athletic programs and student interest in these programs do not develop partly because of inadequate support services. At the same time, the small size of the program and lack of student interest are used to justify the continued inadequate support services. It is clear that the mandate for equal athletic opportunity calls for breaking this cycle by providing sufficient services so that the sport program for women might develop.

Also, the principle of nondiscrimination applies to opportunities for research, opportunities to attend conferences and professional meetings, etc.

* * *

THERE IS NO SIMPLE ANSWER TO THE QUESTION, "WHAT CONSTITUTES EQUALITY FOR WOMEN IN SPORT?" THE ISSUES ARE COMPLEX AND MANY OF THE PROBLEMS ARE NOT EASILY RESOLVED. THERE IS A STRONG MANDATE FROM FEDERAL LAW, ADMINISTRATORS, PHYSICAL EDUCATORS, WOMEN ATHLETES AND WOMEN'S GROUPS, HOWEVER, FOR CONSTRUCTIVE CHANGE. EQUITY DEMANDS THAT WOMEN BE GIVEN A "SPORTING CHANCE."

* * *

FOOTNOTES

¹Although (as of April 1974) the implementing regulations for the legislation prohibiting sex discrimination among students (Title IX of the Education Amendments of 1972) had not been issued, the law has been in effect since July 1972.

²George H. Hanford, A Report to the American Council on Education on An Inquiry into the Need for and Feasibility of a National Study of Intercollegiate Athletics (March 22, 1974), p. 49.

³Bill Gilbert and Nancy Williamson, "Sport Is Unfair to Women," Sports Illustrated, May 28, 1973, p. 90.

⁴Betty Spears, "The Emergence of Women in Sport," in Women's Athletics: Coping With Controversy, ed: Barbara J. Hoepner (District of Columbia: American Association for Health, Physical Education, and Recreation, 1974), pp. 27-28, 38-39.

⁵Hollander v. The Connecticut Interscholastic Athletic Conference, Inc., No. 12-49-27 (Conn. Sup. Ct. 1971).

⁶Jack Scott, "The Masculine Obsession in Sports," in Women's Athletics: Coping With Controversy, ed: Barbara J. Hoepner (District of Columbia: American Association for Health, Physical Education, and Recreation, 1974), p. 84.

⁷Scott, p. 85.

⁸Marjorie Loggia, "On the Playing Fields of History," Ms., July 1973, p. 63.

⁹Pub. L. No. 92-318, Title IX, §906(a), 86 Stat. 373, June 23, 1972.

¹⁰Other areas that Title IX can be expected to influence are: nondiscrimination in admissions and the award of fellowships and financial aid, equal job opportunities for female and male students, flexible programming and part-time opportunities, sex-stereotyping in textbooks and the curriculum, the equalization of student rules which are different for women and men, sex-typed counseling, honorary societies which admit one sex only, and women's studies programs, and so forth.

¹¹For example, girls in Nebraska, Minnesota and Indiana have recently established their right to join the all-male golf, tennis, cross-country track and cross country skiing teams when there were no parallel teams for women. [Brenden v. Independent School District 742, 342 F.Supp. 1224 (D. Minn. 1972); Reed v. Nebraska School Activities Association, 341 F.Supp. 258 (D. Neb. 1972); Haas v. South Bend Community School Corporation, et al., No. 1071S309 (Indiana Supreme Court, 1972)]. Rulings in Illinois and Connecticut, however, have gone the other way [Bucha v. Illinois High School Association, 351 F.Supp. 69 (N.D. Ill. 1972) and Hollander v. The Connecticut Interscholastic Athletic Conference, Inc., No. 12-49-27 (Conn. Sup. Ct. 1971)]. Hollander was settled by agreement with U.S. District Judge, and the Interscholastic Athletic Association will amend its regulations to permit females to compete in non-contact sports when no team program exists for females.] The state of Pennsylvania is suing the Pennsylvania Interscholastic Athletic Association under both the Fourteenth Amendment and the state constitution for failing to offer female athletes the same opportunities and experiences as male athletes. (Commonwealth of Pennsylvania v. Pennsylvania Interscholastic Athletic Association.)

¹²In some instances, intramural or club sports may be defined as competitive, rather than non-competitive.

¹³This format --that is, beginning each section with actual examples of how discrimination might manifest itself on campus --is followed throughout this paper.

¹⁴Kathleen M. Engle, "The Greening of Girl's Sports," Nation's Schools, September 1973, p. 29; and Interview with Dr. H. Royer Collins, Nation's Schools, September 1973, p. 30.

¹⁵Jack W. Wilmore, "Strength, Endurance and Body Composition of the Female Athlete," paper presented at the American Medical Association's 15th National Conference on the Medical Aspects of Sports, Anaheim, California, December 1, 1973.

¹⁶Thomas E. Shaffer, "Physiological Considerations of the Female Participant," in Women and Sport: A National Research Conference, ed: Dorothy Harris (State College, Pennsylvania, 1972), p. 330.

¹⁷There may, however, be some problems in the differences between the eligibility requirements specified by the governing associations or conferences for female and male athletes. For a brief discussion of this, see "'Separate-But-Equal' Structures" later in this paper.

¹⁸For a listing of institutions which offer athletic scholarships to women, see Nancy Parson's article, "Sports Scholarships for Women," in the March-April 1974 issue of The Sportswoman.

¹⁹It seems likely that a university could not, for example, meet the nondiscriminatory requirements of Title IX simply by opening up all varsity football, varsity basketball and heavyweight wrestling scholarships to women because such a policy would effectively exclude women.

²⁰Some people maintain that having women and men compete in contact sports would infringe on their privacy rights. Counsel for the New York City Board of Higher Education concluded, however, they did not believe that participation in contact sports would violate a person's right of privacy.

²¹In some instances (for example, the balance beam and some other gymnastic events), this situation might well be reversed.

²²The arguments for and against allowing women to "compete up" that were outlined earlier would apply here as well.

²³Fasteau favors separate teams, even if the outstanding female athlete does not have the opportunity to compete at the highest level.

²⁴Some women's groups argue that, even if separate sources of funding (or separate structures) are allowed for competitive athletics to the extent that they are single sex, there is no justification for such differences in non-competitive or instructional athletic programs.

²⁵These revenues might come from gate receipts, concessions at the stadium, television contracts, or money from booster's clubs.

²⁶We stress that these interpretations are, at this point, speculative. They are included only to give some idea of the possible interpretations of the law.

²⁷Until recently, the women's athletic association prohibited charging admission at women's athletic events.

²⁸For a copy of a chart (prepared by the Project on the Status and Education of Women) that outlines Federal Laws and Regulations Concerning Sex Discrimination in Educational Institutions, write to the Public Information Office, Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

²⁹Executive Order 11246 prohibits employment discrimination on the basis of sex, race, color, religion or national origin by federal contractors. Title VII of the 1964 Civil Rights Act prohibits all employers, even those which do not have federal monies, from employment discrimination on the basis of sex, race, color, religion or national origin. The Equal Pay Act of 1963 prohibits all employers from sex discrimination in salaries. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex by any educational institution that receives federal funds.

³⁰Title VII of the 1964 Civil Rights Act permits an employer to limit a job to one sex only if sex can be proven to be a "bona fide occupational qualification" (bfoq). The courts have interpreted this exemption very narrowly: for example, acceptable bfoq's are "lingerie fitter" and "rest room attendant" (provided the attendant is in the rest room while it is in use).

³¹None of the anti-discrimination legislation prohibits differences in pay based on a bona fide seniority or merit system, provided the system is not discriminatory on the basis of sex or any other prohibited ground.

RESOURCES

BOOKS AND REPORTS SPECIFICALLY FOCUSING ON WOMEN IN SPORT (Many have extensive bibliographies.)

Gerber, Ellen W., et al. The American Woman in Sport. Reading, Massachusetts: Addison-Wesley Publishing Company, 1974. (Available for \$8.85 from Addison-Wesley, Reading, Mass. 01867.)

Harris, Dorothy V., ed. DGWS Research Reports: Women in Sports. 2 vols. District of Columbia: American Association for Health, Physical Education and Recreation, 1971 & 1973. (Available for \$3.00 from AAHPER, Publications-Sales, 1201 16th St., N.W., Washington, D.C. 20036.)

Harris, Dorothy V., ed. Women and Sport: A National Research Conference. State College, Pennsylvania: The Pennsylvania State University, 1972. (Available for \$5.00 from the Continuing Education Office, The Pennsylvania State University, University Park, Pa.)

Hoepner, Barbara J., ed. Women's Athletics: Coping With Controversy. District of Columbia: American Association for Health, Physical Education, and Recreation, 1974. (Available for \$3.25 from AAHPER, Publications-Sales, 1201 16th St., N.W., Washington, D.C. 20036.)

Peterson, Kathleen, et al., eds. Women and Sports: Conference Proceedings. Macomb, Illinois: Western Illinois University, 1973.

STUDIES OF THE STATUS OF WOMEN IN SPORT (Most of these reports are unpublished.)

Ad Hoc Committee to the Ann Arbor Board of Education to Investigate Race and Sex Discrimination in the Michigan High School Athletic Association, Inc. A Guide to the Building of Equal Opportunity into the Constitution, Structure, and Handbook of the Michigan High School Athletic Association, Inc. 1973.

Ad Hoc Committee to Study Women's Competitive Sports Programs. Report on Women's Competitive Sports Programs at the University of Washington. May 29, 1973.

Alexander, Sue, and Davis, Denise. Sex and Physical Education at Wittenberg. 1973.

Allocation of University Resources to Athletic Programs on the Basis of Sex [at the University of California at Los Angeles]. March 20, 1972. (For details, write to John Sandbrook, Office of the Chancellor, Campus Affairs Division, UCLA, 2244 Murphy Hall, 405 Hilgard Ave., Los Angeles, California 90024.)

Brown's Women Athletes". Alumni Monthly, March 1973.

Burns, Eunice L. et al. Report of the Committee to Study Intercollegiate Athletics for Women [at the University of Michigan]. November 1, 1973.

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Committee to Eliminate Sex Discrimination in the Public Schools and the Discrimination in Education Committee of the National Organization for Women. An Action Proposal to Eliminate Sex Discrimination in the Ann Arbor Public Schools. March 1972. (Available for 75¢ from KNOW, Inc., Box 86031, Pittsburgh, Pennsylvania 15221.)

Committee to Study Sex Discrimination in the Kalamazoo Public Schools. In Search of the Freedom to Grow: Report of the Physical Education/Athletics Task Force. April 2, 1973.

Council on the Status of Women and Minorities. Subcommittee Report on Equality of Opportunities for Athletic Participation for Men and Women at the University of Texas at Austin. November 14, 1973.

Federbush, Marcia. Let Them Aspire: A Plea and Proposal to Eliminate Sex Discrimination in the Public Schools. November 1973 (4th ed.). (Available for \$3.00 from KNOW, Inc., Box 86031, Pittsburgh, Pennsylvania 15221.)

"The Growth of Women's Sports." Hamline University Bulletin. April 1973.

Lakewood Task Force for Equality in Education. Spring 1973. (Available for \$1.50 from Louise Patrick Burns, 12511 Clifton Boulevard, #27, Lakewood, Ohio 44107.)

National Organization for Women, Delaware Chapter, Education Committee. Sex Discrimination in the Alfred I. Dupont District. January 1972.

Peterson, William J., ed. "Girls' Basketball in Iowa." The Palimpsest, April 1968. (Available for 50¢ from the State Historical Society, Iowa City, Iowa 52240.)

Taylor, Suzanne. Extra Pay for Athletic and Non-Athletic Activities in Connecticut Teacher Contracts 1971-1972. October 25, 1972. (Available from Connecticut Education Association, 21 Oak Street, Hartford, Connecticut 06106.)

Wisconsin Coordinating Council of Women in Higher Education. A Proposal . . . to the Administration of the University of Wisconsin for the Development of an Affirmative Action Program. 1973.

Women's Equity Action League, Texas Division. Survey of Sex Discrimination in the Waco Independent School District. April 1973.

MAGAZINES FOCUSING ON WOMEN IN SPORT

The Sportswoman, published bimonthly, is available for \$4.50 a year from Jensen-Fane Publications, 6150 Buckingham Parkway, Culver City, CA 90807.

WomenSports, published monthly, is available for \$8.00 a year from WomenSports, 1000 Elwell Court, Palo Alto, CA 94303.

ASSOCIATION FOR INTERCOLLEGIATE ATHLETICS FOR WOMEN PUBLICATIONS (Available from American Association for Health, Physical Education, and Recreation, Publications-Sales, 1201 16th St., N.W., Washington, D.C. 20036.)

AIWA Handbook. \$1.50

AIWA Directory: Charter Member Institutions. \$2.00

Philosophy and Standards for Girls and Women's Sports. \$2.00.

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Budig, Gene A. "Grid Stock Up -- Academic Stock Down." Phi Delta Kappan, September 1972.

Craig, Timothy T., ed. Current Sports Medicine Issues. District of Columbia: American Association for Health, Physical Education, and Recreation, 1974. (Available for \$3.25 from AAHPER, Publication-Sales, 1201 16th St., N.W., Washington, D.C. 20036.)

Edwards, Harry. "Desegregating Sexist Sport." Intellectual Digest, November 1972, p. 82.

Fasteau, Brenda Feigen. "Giving Women a Sporting Chance." Ms., July 1973, p. 56.

Franks, Lucinda. "See Jane Run!" Ms., January 1973, p. 98.

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Loggia, Marjorie. "On the Playing Fields of History." Ms., July 1973, p. 63.

Murphey, Elizabeth, and Vincent, Marilyn. "Status of Funding of Women's Intercollegiate Athletics." Journal of Health, Physical Education, and Recreation. October 1973, p. 11.

"Special Issue: Revolution in Sports." Nation's Schools. September 1973.

IN ADDITION:

There is now a Center for Women and Sport. (The Sports Research Institute, College for Health, Physical Education and Recreation, White Building, University Park, Pennsylvania 16802). Directed by Dr. Dorothy V. Harris, the Center was formed to expand research interests in all areas relating to the female involved in physical activity.

The Women's Equity Action League (WEAL) has developed a "sports kit" focusing on the Title IX regulations and other issues. For a kit, send \$2.00 to WEAL, 799 National Press Building, Washington, D.C. 20004.

For information concerning recent legal developments concerning women in sport, contact the Women's Rights Project of the American Civil Liberties Union (22 East 40th Street, New York, New York 10016) or refer to back issues of the Women's Rights Law Reporter (180 University Avenue, Newark, New Jersey 07102).

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The Project on the Status and Education of Women of the Association of American Colleges began operations in September of 1971. The Project provides a clearinghouse of information concerning women in education and works with institutions, government agencies, and other associations and programs affecting women in higher education. The Project is funded by the Carnegie Corporation of New York, the Danforth Foundation, and the Exxon Education Foundation. Publication of these materials does not necessarily constitute endorsement by AAC or any of the foundations which fund the Project.

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